

REMARKS

In view the Declaration of Prof. Dr. Dr. Stefan Eicker submitted herewith (hereafter, the “Eicker Declaration”) and the following remarks, further consideration of this application is requested.

The Examiner has again rejected claims 1-12 under 35 USC § 103 based on the combined teachings of the Dyer and Madison patent application publications either by themselves or in further combinations with one or more of the Hewitt et al., Gorodetsky et al., Lippiner et al., and Musgrove references. For the following reasons and based on the facts established by the Eicker Declaration, it is submitted that none of the outstanding rejections are appropriate.

As indicated in applicants’ preceding response, Claim 1 recites the novel feature that upon initiation of a data transmission process by a user of a client using a browser without a backward channel, a control mechanism on a query data server automatically recognizes that the data transmission process to be started requires use of a browser with a backward channel, after which a browser with the backward channel is caused to be started on the client, the browser with the backward channel being for the recited data transmission process.

In addressing this characteristic of the present invention which applicants argued was not taught by the prior art, the Examiner has contended that the fact that Madison discloses a system wherein a web server detects whether a client web browser has necessary software to enable the desired web functionality, and if not, the web server transmits the required software to the client web browser, citing paragraph [0035] lines 25-30 of Madison. However, the cited disclosure relates to the loading of “ActiveX applications include news tickers, interactive games with multiple players, and multimedia presentations combining animation, sounds, music and graphics referred to as ActiveX ‘controls’ or ‘components’ ... supported by various browser software The user then decides whether or not to install the control.

However, as attested to in the Declaration:

ActiveX technology and the use of this technology inside a web browser cannot be compared or equated to the process which is described in the invention. The Examiner’s statement that *“the...browser recognizes the HTML object tag, automatically downloads the control, and presents the client*

with a digital certificate that authenticates the control..." (page 12, line 9) implies that the display data set (html web site) includes the link (Active X object tag) to the corresponding query data set (certificate display and response form).

However, this represents an essential difference from the process of the invention.

Therefore, since the Examiner has failed to establish why the disclosed detecting and downloading of Active X controls or components has any relevance to applicants disclosed steps of:

upon initiation of a data transmission process by a user of the client using a browser without a backward channel, automatically recognizing with a control mechanism on the query data server that the data transmission process to be started requires use of a browser with a backward channel;

causing a browser with the backward channel to be started on the client and using the browser with the backward channel for the data transmission process,

and since the Declarant has attested to the fact that such "cannot be compared or equated to" applicants' invention, it is submitted that the Examiner has failed to make a *prima facie* case with respect to the noted features. That is, even if Dyer were to be provide with ActiveX technology based on Madison, such cannot be compared or equate to the present applicants' use of a backward channel browser in accordance with the above indicated steps.

The remaining applied references to Hewitt et al., Gorodetsky et al., Lippiner et al., and Musgrove, alone or in combination, also fail to cure the noted deficiencies in Dyer and Madison since they also lack any disclosure or suggestion to automatically download a backward channel browser in accordance with the process set forth in claim 1.

Thus, the dependent claims 2-14 are allowable over the applied references on their own merits and at least for the reasons advanced above with respect to claim 1. Furthermore, the Examiner's repeated reliance upon Madison's teachings with respect to Active X technology have even less relevance to claim 13 in which a data transmission process by a user of a client uses a browser over a browser channel different from the backward channel. given that the applied references do not teach use of a backward channel browser let alone use of a browser channel different from a backward channel when a backward channel browser is employed.

Claim 14 recites the additional novel features of initiating of a query process by an input from a user in a second display window associated with and adjacent to a first display window. The applied references fail to disclose, teach or suggest this feature as well and the Examiner's reliance on the quoted text from Madison is misplaced since it teaches being directed to a second location which is not taught to be "adjacent" to the first display window and to the contrary may be at a completely "separate website." Clearly, such a citation more properly could be considered as teaching away from the invention of claim 14, rather than rendering it obvious.

In view of the foregoing, it is submitted that no combination of the applied references could lead one of ordinary skill to the presently claimed invention. Therefore, withdrawal of all of the outstanding rejections is in order and is now requested.

Therefore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,

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